

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

JAIME G. GARCIA

Plaintiff,

v.

**SOUTH CAROLINA ELECTRIC AND
GAS COMPANY, a South Carolina
Corporation,**

Defendant.

Civil Action No.: 3:06-cv-02566-CMC

ORDER FOR ENTRY OF JUDGMENT

WHEREAS, the Court issued its Order on Cross Motions for Summary Judgment on November 17, 2008 granting Defendant's motion for summary judgment on infringement in this patent case and requested the parties to provide supplemental briefing on the following questions: (1) whether the court should or must address the invalidity arguments in light of the summary judgment ruling; (2) what, if any, impact the summary judgment ruling (and supplemental construction) has on the invalidity determination; and (3) any amendments to the motion and response needed for proper summary judgment consideration; and

WHEREAS, Defendant, South Carolina Electric and Gas Company, and Plaintiff, Jaime Garcia, have jointly responded to the Court's questions. The parties jointly assert that this Court's supplemental claim construction, when combined with this Court's grant of summary judgment on the infringement issue, has rendered the invalidity issues moot because there is no further relief that this Court can grant SCE&G on the invalidity issue in light of the relief already granted on the infringement issue. The parties further assert that this Court can enter final judgment in this case without any further briefing.

THEREFORE, the Court finds that its supplemental claim construction, when combined with its grant of summary judgment on the infringement issue, has rendered the invalidity issues moot because there is no further relief that this Court can grant SCE&G on the invalidity issue in light of the relief already granted on the infringement issue. The Clerk of Court is therefore directed to enter final judgment in this case in favor of Defendant as to Plaintiff's single claim for patent infringement and as to Defendant's counterclaim for a declaratory judgment of non-infringement. In light of the agreement of the parties, all other counterclaims are moot.

IT IS SO ORDERED.

S/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
December 30, 2008